



Colorado River Basin Regional Water Quality Control Board

CERTIFIED MAIL: 7018 0680 0002 0102 4803

June 10, 2021

Arden Wallum
Mission Springs Water District
66575 Second Street
Desert Hot Springs, CA 92240
awallum@mswd.org

**SUBJECT: NOTICE OF VIOLATION, TEMPORARY POND CONSTRUCTION,
ORDER R7-2014-0049**

**FACILITY: MISSION SPRINGS WATER DISTRICT, ALAN HORTON
WASTEWATER TREATMENT PLANT, RIVERSIDE COUNTY**

Dear Mr. Wallum,

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within Imperial County as well as portions of Riverside, San Diego and San Bernardino County, including the referenced property above.

Mission Springs Water District (MSWD) is authorized to discharge treated municipal wastewater pursuant to Waste Discharge Requirements (WDRs) contained in Order R7-2014-0049, adopted by the Regional Water Board on June 26, 2014. Order R7-2014-0049 contains WDRs and a Monitoring and Reporting Program (MRP) for waste discharges by MSWD, from the Alan Horton Wastewater Treatment Plant. Under the terms of the WDRs, MSWD can discharge up to 2.3 million gallons per day of secondary treated municipal wastewater to evaporation/percolation ponds. MSWD's discharged wastewater contains pollutants which can degrade water quality and impact beneficial uses of the groundwater, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater is discharged to land via the use of evaporation/percolation ponds, within the Coachella

NANCY WRIGHT, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

Hydrologic Unit. The beneficial uses for the Coachella Hydrologic Unit include municipal supply, industrial supply, and agricultural supply.

On October 21, 2020 MSWD reported to the Regional Water Board that a spill had taken place at the Alan Horton Facility on October 3, 2020. The spill notification indicated that the unauthorized discharge was caused by a mechanical failure of a holding basin, where the side wall of the holding basin failed, allowing approximately 754,000 gallons of treated effluent to spill. Note, this spill notification was not submitted in compliance with MSWD's WDRs.

The Regional Water Board issued a notice of violation (NOV) regarding the spill on January 29, 2021. The NOV alleged that MSWD was in violation of the following sections of the WDRs: Discharge Prohibitions B.2, B.3, B.5, Discharge Specifications C.8, and Standard Provisions F.10 and F.23. The NOV also required MSWD to immediately submit a Spill Incident Report. The Regional Water Board received the Spill Incident Report on March 17, 2021, estimating a spill volume of 943,738 gallons.

The Regional Water Board has reviewed the Spill Incident Report and has identified additional violations related to the October 3, 2020 unauthorized discharge and MSWD's response to that event.

YOU ARE HEREBY NOTIFIED that MSWD is in noncompliance with the WDRs specified in Order R7-2014-0049, and has violated California Water Code (CWC) section 13350 as follows:

Standard Provisions

- Order R7-2014-0049, Standard Provisions F.20 states that prior to implementing a modification that results in a material change in the quality or quantity of wastewater treated or discharged, or a material change in the location of discharge, the Discharger shall report all pertinent information in writing to the Colorado River Basin Water Board, and obtain revised requirements.
 - The Spill Incident Report states that MSWD "encountered a breach in a temporary holding pond (pond) that was built at the Alan Horton Wastewater Treatment Plant...The pond was constructed in September 2020, to assist staff with addressing percolation issues..."
 - The Regional Water Board was not notified prior to MSWD implementing a modification that resulted in a material change: construction of the temporary holding pond in September 2020.
 - Further, in an email correspondence to the Regional Water Board, dated March 25, 2021, the Field Operations Manager stated that there is work being done "as part of the re-construction of the temporary pond...The temporary holding pond is currently being re-constructed to allow secondary effluent to be pumped to it."

- The Regional Water Board was not notified prior to MSWD implementing a modification that resulted in a material change: re-construction of the temporary holding pond.

MSWD is required to immediately submit written notification of the material change, the construction of the temporary pond, per Order R7-2014-0049 Standard Provisions F.20 as stated above. MSWD shall report all pertinent design information regarding the construction (September 2020) and re-construction (March 2021) of the temporary pond, including design specifications, in writing to the Regional Water Board within 30 days of receipt of this letter. MSWD is also required to immediately implement corrective and preventative actions to bring the discharge into full compliance with all requirements of Order R7-2014-0049.

For violations listed above, pursuant to CWC section 13350 (e), you are subject to penalties of up to \$5,000 for each day in which the violation occurs or \$10 for each gallon of waste discharged, but not both. These administrative civil liabilities may be assessed by the Regional Water Board beginning the date that the violations first occurred and without further warning. This matter may be referred to the Office of the Attorney General for further enforcement. The Regional Water Board reserves its right to take any further enforcement action authorized by law.

Please be advised, failure to comply with Order R7-2014-0049 is a violation of state law that may result in further enforcement action including the imposition of administrative civil liability claims.

If you have any questions concerning this matter, please contact the Case Manager Adriana Godinez at (760) 346-6585 (Adriana.Godinez@waterboards.ca.gov) or the Land Disposal Unit Chief, Jose Cortez at (760) 776-8963 (Jose.Cortez@waterboards.ca.gov).

Sincerely,



Cassandra Owens
Assistant Executive Officer
Colorado River Basin
Regional Water Quality Control Board

AG/jc

cc: Lee Boyer, Chief Plant Operator (lboyer@mswd.org)
Bassam Alzamar, Field Operations Manager (balzamar@mswd.org)
Danny Friend, Director of Engineering and Operations (dfriend@mswd.org)

File: WDID 7A330109012, MSWD Alan Horton WWTP, Order R7-2014-0049